

TP-83-06

Received by db Date 5/31/07 Time 10:33a  
\$50.00 fee received by db # NO 18408 Date 5/31/07  
Watermaster Comments received? \_\_\_\_\_ Date \_\_\_\_\_

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ☐ a) The application for temporary approval should be denied.
- ☒ b) The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
  2. Other water sources are not readily available.
  3. The approval is in the public interest.
  4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- ☐ a) DENIED
- ☒ b) APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
  2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
  3. This approval authorizes a maximum diversion of 1 AF and a maximum rate of diversion of 0.08 cfs.
  4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
  5. The department may cancel this approval at any time if the department identifies injury to other water rights.
  6. This approval expires on Nov. 1, 2007.
  7. This approval does not create a continuing right to use water.
  8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
  9. Other: Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second.
  10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 20 day of June, 2007.

Robert D. Haynes  
For the Director

RECEIVED

MAY 31 2007

IDWR/North

Indent. No.

TP-83-06

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF of less)

- Name of Applicant Joe Stamey Phone 208-464-2321
- Address H664 Bot 46 piece ID "83546"
1. Source of water MOOSE Creek Tributary to Kelly Creek
2. Location of point of diversion SE. 1/4 SW 1/4 Sec. 3+4 Township 39N Range 11E B.M.,  
County Cleghwater
3. Location of place of use Same as Above Township \_\_\_\_\_, Range \_\_\_\_\_ B.M.,  
County \_\_\_\_\_
4. Proposed use of water To run hand operated highbanker
5. Amount of water:  
Maximum rate of diversion \_\_\_\_\_ cfs or 35 gpm. As per T.C. with Joe  
Maximum daily volume 0.03 AF; Total volume 1.0 AF
6. Duration of diversion: From June 4 to August 31  
Day-month Day-month
7. Proposed diverting works \_\_\_\_\_
8. Who owns the property at the requested point of diversion? Public Lands USDA
9. Describe the arrangement allowing access to the water active minning claim
10. Remarks \_\_\_\_\_

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

MAY 29, 07  
Date

Joe Stamey  
Applicant

6/20/07

Water Use per Telephone Call  
with Joe Stamey.

8 weeks @ 2 days (weekends) per week.

$$\begin{aligned} 8 \times 2 &= 16 \text{ days} \times 4 \text{ hrs pumping per day} \\ &= 64 \text{ hrs} \times 60 \text{ min/hr} \times 35 \text{ gal/min} \\ &= 134,400 \text{ gall.} / 325,850 \text{ gal/AF} \\ &= \underline{0.4} \text{ AF} \end{aligned}$$

Stamey's request is for 1.0 AF



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

06/21/2007

JOE STAMEY  
HC 64 BOX 46  
PIERCE ID 83546

RE: Temporary Permit No. TP-83-06

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-83-06.

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.  
Regional Manager

Enclosure



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

June 15, 2007

Mr. Joe Stamey  
HL64, Box 46  
Pierce, ID 83546

RECEIVED  
JUN 20 2007  
IDWR/North

RE: Comments, temporary water appropriation from Moose Creek to Operate a Highbanker

Dear Mr. Stamey:

We received your letter which briefly describes your intent to apply for a temporary water appropriation permit to withdraw 35 to 50 gallons per minute from Moose Creek, Idaho County. The temporary water appropriation is for the operation of a small hand operated highbanker. No waste water will be deposited back into Moose Creek. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, Moose Creek is included in waterbody IDs 17060307CL028 and 31. These segments of Moose Creek are listed in section 3 of the 2002 Integrated Report and are not assessed.

DEQ agrees that the temporary withdrawal of 35 to 50 gallons per minute from Moose Creek should not impact the water quality of the creek. At no time however, should the proposed action be allowed to impair existing beneficial uses of Moose Creek. Stream flow adequate to sustain existing aquatic life shall be maintained at all times.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerby M. Cole".

Kerby M. Cole, P.E.  
Regional Administrator

CC: Keith Franklin, IDWR  
Ray Hennekey, IDFG  
Marti Bridges, IDEQ



**IDAHO DEPARTMENT OF FISH AND GAME**  
**CLEARWATER REGION**

3316 16th Street  
Lewiston, Idaho 83501

June 14, 2007

C.L. "Butch" Otter / Governor  
Cal Groen / Director

**RECEIVED**  
**JUN 14 2007**  
IDWR/North

Mr. Joe Stamey  
HL64, Box 46  
Pierce, ID 83546

Dear Mr. Stamey:

RE: Application for Approval of Water Appropriation from Moose Creek to Operate a Highbanker

IDFG has reviewed your June 7, 2007 letter asking for a preliminary review of your desire to apply to Idaho Water Resources to withdraw up to 30-50 gmp of water from Moose Creek, tributary to Kelly Creek, to wash material in a small hand operated highbanker. We have also discussed your request with you by phone. You plan to apply for a temporary permit for June 1 to August 31, 2007. You do not anticipate that you will operate more than 4 hours any given day, and that your withdrawal of 30-50 gpm would be continuous during operation. Your suction hose is screened with approximately 3/16<sup>th</sup> inch mesh. Your mining operation will be out-of-stream and involves no disturbance to the bed and banks of the stream. Discharge water and washed tailings will be deposited back into the excavation as you proceed.

Idaho Fish and Game is not opposed to issuance of a temporary water appropriation as described and for the dates stipulated, as long as downstream flows remain sufficient to sustain existing aquatic life and habitat are maintained at all times. However, because flows are most critical in Moose Creek during the time you propose to operate, we urge you to make every effort to minimize your water use to help protect resources.

Thank you for the opportunity to comment on your planned application. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,

Dave Cadwallader  
Clearwater Regional Supervisor

CG/rh/ss

c: Kerby Cole  
Keith Franklin  
Cindy Robertson  
Tracey Trent



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

NORTHERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

May 31, 2007

Joe Stamey  
HC64 Box 46  
Pierce, Idaho 83546

Re: Application For Temporary Water Appropriation

Dear Mr. Stamey:

The Idaho Department of Water Resources is in receipt of your application to temporarily appropriate water from Moose Creek for a high bank mining operation.

Your application happens to be located within Basin 83, which is now considered a sensitive basin that has been known to have Endangered Species Act (ESA) listed fish species. Each application within this sensitive area must undergo close scrutiny to ensure the Department is not negatively impacting those species.

The Department of Water Resources has recently developed a process by which each application is reviewed. Idaho State Code requires "approval is in the public interest and a determination that the temporary approval will not inure public values associated with the water source or any other water right". Therefore, the applicant must obtain written comments regarding their proposal from the Idaho Department of Fish & Game, Idaho Department of Environmental Quality and the United States Forest Service to make sure the proposed use will not harm ESA listed fish or other public values.

The following are agency representatives who will help you respond to the local public interest requirements:

Ray Hennekey, Clearwater Region, Idaho Department of Fish & Game, 208-799-5010  
Kerby Cole, Idaho Department of Environmental Quality, 208-799-4370  
For the US Forest Service, contact you nearest ranger district.

When the comments are received by the Department, IDWR will continue with the processing of the application. Please provide the information within 30 days from the date of this letter, or IDWR will assume you are no longer interested in obtaining a Temporary Water Appropriation. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin  
Senior Water Resources Agent